



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

THE  
VIRGINIA MAGAZINE  
OF  
HISTORY AND BIOGRAPHY.

---

VOL. XXI.

JULY, 1913.

No. 3

---

THE RANDOLPH MANUSCRIPT

---

VIRGINIA SEVENTEENTH CENTURY RECORDS

---

From the Original in the Collection of the Virginia Historical  
Society

---

Commissions and Instructions to the Earl of Orkney for the  
Government of Virginia

---

(Continued)

---

52. Provided always that no Person be discharged out of Prison who stands Committed for Debt for any decree of Chancery or any Legal proceedings of any Court of Record.

53. And for the preventing any Executions that may be made upon Prisoners, You are to declare Our Pleasure that no Baron or Judge shall receive for himself or Clerks for granting a Writ of Habeas Corpus more than Two Shillings and Six Pence and the like Sum for taking a Recognizance and that the Provost Marshall shall not receive more than five Shillings for every

Commitment, One Shilling & three Pence for the Bond the Prisoner is to Sign, One Shilling & three Pence for every Copy of a Mittimus & one Shilling & three Pence for every Mile he bringeth Back the Prisoner.

54. And further you are to Cause this our Royal Pleasure hereby Signify'd to you to be made Publick & Register'd in the Council Books of our said Colony.

55. And Whereas Commissions have been granted unto Several Persons in our Respective Plantations in America for the trying of Pirates in those Parts pursuant to the Act for the more Effectual Suppression of Piracy and by a Commission sent to our Colony of Virginia You as our Lieutenant and Governor General of our said Colony are impower'd together with others therein mention'd to proceed accordingly in Reference to Our said Colony. Our Will and Pleasure is that in all Matters relating to Pirates You govern yourselves according to the intent of the Act and Commission aforementioned. But as whereas Accessories in Cases of Piracy beyond the Seas are by the said Act left to be try'd in this Kingdom according to the Statute of the twenty Eighth of King Henry the Eighth we do hereby further direct and require you to send all such Accessories in Case of Piracy in Our foresaid Colony into this Kingdom with the Proper Evidences that you may have against them in Order to their being Try'd here.

IT IS OUR FURTHER PLEASURE that no Person for the future be sent as Prisoners to this Kingdom from our said Colony and Dominion of Virginia without Sufficient Proof of their Crimes, and that Proof transmitted along with the said Prisoners.

56. In Case any Goods Money or other Estate of Pirates or Piratically taken or brought or found within our said Colony of Virginia or taken on board any Ships or Vessels You are to Cause the same to be Seiz'd and Secur'd until You shall have given us an Account thereof and receiv'd our Pleasure Concerning the Disposal of the Same. But in Case such Goods or any Part of them are Perishable the Same shall be Publickly Sold and Disposed of, and the Produce thereof in like Manner secur'd until our further Order.

57. You shall not Erect any Court or Office of Judicatory not before Erected or Established nor dissolve any Court or Office already Erected or Established without our especial Order: But in Regard we have been inform'd that there is a Want of a particular Court for determining of small Causes You are to recommend it to the Assembly of our said Colony that a Law be pass'd (if not already done) for the Constituting such Court or Courts for the ease of our Subjects there, and you are from time to time to transmit to our said Commissioners for Trade and Plantations an Exact Account of what Causes have been determin'd what shall be then Depending, as likewise an Abstract of all proceedings of the Several Courts of Justice within our said Government.

58. You are to Transmit to Us & to Our Commissioners for Trade and Plantations with all convenient Speed a Particular Account of all Establishments of Jurisdictions Courts Offices and Officers Powers Authorities Fees and Priviledges Granted or Settled within our said Colony to the End you may receive our farther Directions therein.

59. COMPLAINT having been made that the Members of our said Council in all Matters of Civil Right where any of them are Defendants claim a Priviledge of Exemption from the Ordinary forms of Process by Writ, so that they cannot be arrested, and that it being the Practice in all such Cases that the Secretary Summon them to an Appearance by a Letter, either Comply with the Same or Neglect it at their own Pleasure by which Means the Course of Justice is obstructed & the Plaintiffs who are not of the Council are left destitute of relief. You are therefore to take Special Care that according to the Order made in the said Council of Virginia the 27 March 1678 (by which the Members thereof claim'd the Aforesaid Priviledge) a Letter of Summons to any of the said Councelors Sign'd either by your self or by the Secretary of our said Colony be deem'd as binding and as Strict in Law for their Appearance as a Writ and that upon their Neglect to Comply with any such Summons (Except only in time of General Assembly) they be liable to the Ordinary forms of Common Process.

60. And you are with the Advice and Consent of our said Council to take Especial Care to regulate all Salaries and Fees belonging to Places or Paid upon Emergencies that they be within the Bounds of moderation and that no Exaction be made upon any Occasion whatsoever, as also that Tables of all Fees be Publickly hung up in all Places where such Fees are to be paid and you are to transmit Copies of all such Tables of Fees to Us & to Our Commissioners for Trade and Plantations as aforesaid.

61. WHEREAS it is necessary that our Rights & Dues be preserved and recover'd and that speedy and Effectual Justice be administer'd in all Cases relating to our Revenue, You are to take Care that a Court of Exchequer be call'd and do meet at all such times as shall be needfull and You are upon your Arrival to inform us and our Commissioners for Trade & Plantations whether Our Service may require that a constant Court of Exchequer be Settled & Established there.

62. You are to take Care that no Man's Life Member freehold or Goods be taken away or harm'd in our said Colony otherwise than by establish'd and known Laws, not repugnant but as near as may be agreeable to the Laws of this Kingdom.

63. You shall administer or Cause to be administer'd the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and the Oath Mention'd in the foresaid Act Entituled an Act for the Security of Her Majesty's Person and Government and of the Succession to the Crown of Great Britain in the Protestant Line, to the Members and Officers of our Council & Assembly and to all Judges and Justices and all other Persons that hold any Office or Place of Trust or Profit in our said Colony whether by Vertue of any Patent under our Great Seal of this Kingdom or the Publick Seal of Virginia or otherwise and you shall also Cause them to make and Subscribe the aforesaid Declaration without the doing of all which you are not to admit any Person whatsoever into any Publick Office, nor Suffer those that have been admitted formerly to Continue therein.

64. You are to Permit a Liberty of Conscience to all Persons except Papists, so they be contented with a quiet and peaceable Enjoyment of the Same not giving Offence or Scandal to the Government.

65. You shall send to us & our Commissioners for Trade and Plantations by the Conveyance of our Ships of War, an Account of the present Number of Planters and Inhabitants—Men Women and Children as well Masters as Servants, Free and Unfree, And of the Slaves in our said Colony as also a Yearly account of the Increase and decrease of them and how many of them are fit to bear Arms in the Militia of our said Colony.

66. You shall also Cause an Exact Account to be kept of all Persons born Christened and Buried and you shall Yearly send fair Abstracts thereof unto us and to Our foresaid Commissioners for Trade and Plantations.

67. You shall take Care that all Planters and Christian Servants be well and fitly provided with Arms, and that they be listed under good Officers and when and as often as shall be thought fit Muster'd and Train'd whereby they may be in a better readiness for the Defense of our said Colony and Dominion under your Government, and you are to use your utmost Endeavours that such Planters do each of them keep such Numbers of White Servants as by Law Directed and that they appear in Arms when thereunto required.

68. You are to take especial Care that neither the frequency nor unreasonableness of the Marches Musters and Trainings be an unnecessary Impediment to the Affairs of the Inhabitants.

69. And for the greater Security of that Our Colony You are to Appoint fit Officers and Commanders in the Several Parts of the Country bordering upon the Indians who upon any Invasion may raise Men and Arms to oppose them untill they shall receive your directions therein.

70. You shall not upon any Occasion whatsoever Establish or put in Execution any Articles of War or other Law Martial upon any of Our Subjects Inhabitants of our said Colony of Virginia without the advise and Consent of our Council there.

71. AND WHEREAS there is no Power given you by Our Commission to Execute Martial Law in time of Peace upon Soldiers in Pay and yet nevertheless it may be necessary that some Care be taken for the keeping good Discipline amongst those that we may at any time hereafter think fit to send into our said Colony (which may properly be provided for by the Legislative Power of the same) You are therefore to recommend unto the General Assembly of our said Colony that (if not already done) they Prepare such Act and Law for the Punishing Mutiny Desertions and fake Musters, and for the better preserving of good Discipline amongst the Said Soldiers as may best Answer those ends.

72. AND WHEREAS together with other Powers of Vice Admiralty You will Receive Authority from our Commissioners for executing the Office of our high Admiral of great Britain and of our Plantations upon the refusal or Neglect of any Captain or Commander of any of our Ships of War to Execute the Written Order he shall receive from you for Our Service and the Service of our Colony under your Government, or upon his Neglect & undue Execution thereof to suspend such Captain or Commander from the Exercise of his said Office of Captain or Commander and to committ into Safe Custody either on Board his own Ship or elsewhere at Your Discretion in Order to his being brought to Answer for such refusal or Neglect by Commission either under Our great Seal of this Kingdom or from our Commissioners for executing the Office of our high Admiral of Great Britain for the time being And whereas you will likewise receive directions from our said Commissioners for Executing the Office of our high Admiral of Great Britain and of our Plantations that the Captain or Commander so by you suspended shall during such his Suspension and Commitment be succeeded by such Commission or Warrant Officer of our said Ship appointed by our said Commissioners for Executing the Office of our high Admiral of Great Britain for the time being as by the known Practice and Discipline of our Navy does and ought next to Succeed as in case of Death, Sickness or any other ordinary disability happening to the Commander of any of our Ships of War and not Otherwise You standing Accountable for the truth

and Importance of the Crime & Misdemeanor for which you shall so proceed to the Suspending any such Captain or Commander You are not to Exercise the said Power of Suspending any such Captains or Commanders of our Ships of War otherwise than by Vertue of such Commission or Authority from our said Commissioners for executing the Office of our high Admiral of Great Britain any former Custom or usage Notwithstanding.

73. You are to demand an Account from all Persons concern'd of the Arms Ammunition and Stores sent to our said Colony from our Office of Ordnance here as likewise what other Arms Ammunition and Stores have been bought with the Publick Money for the Service of our said Colony and how the Same have been employ'd, and whether any of them and how many of them have been sold, Spent, Lost, Decay'd or dispos'd of and to whom and to what use and to transmit the said Account to Us and to our Commissioners for Trade and Plantations aforesaid.

74. You shall take an Inventory of all Arms Ammunition and Stores remaining in any of our Magazines or Garrisons in our Colony under your Government, and immediately after your Arrival to transmit the same unto Us and to our Commissioners for Trade and Plantations and the like Inventory afterwards half Yearly, as also a Duplicate thereof to our Master General or Principal Officers of our Ordnance, which Accounts are to express the Particulars of Ordnance Carriages, Powder, Balls, and all other Sorts of Arms and Ammunition in our Publick Stores at your said Arrival, and so from time to time of what shall be sent you or bought with the Publick Money and to specify the time of the disposal and the Occasion thereof.

75. You are to take especial Care that fit Storehouses be Settled throughout our said Colony for receiving and keeping of Arms Ammunition and Publick Stores.

76. You shall cause a Survey to be made of all the Considerable landing Places and Harbours in our said Colony, and with the Advice of our Council there Erect in any of them such Fortifications as shall be necessary for the Security and Advantage of that Colony which shall be done at the Publick Charges



of the Country, in which we doubt not of the Chearfull concurrence of the Inhabitants, thereunto from the common Security and benefit they will receive thereby.

77. OUR WILL AND PLEASURE IS that all Servants that shall come to be Transported to Our Colony of Virginia shall serve their respective Masters for the Terms prescrib'd by the Laws of our said Colony, and the said Servants shall at the end of the said Term have 50 Acres of Land Assign'd and set out to every of them respectively to Have and to Hold to them and every of them their Heirs and Assigns for ever under the Rules and Duties usually Paid and reserved.

78. AND WHEREAS it has been represented that the Grant of King James the first heretofore made to that our Colony to Exempt the Planters from paying Quitrents for the first Seven Years did turn to the great Prejudice of the same and that many took Occasion thereby to take and Create to themselves a Title of such Quantities of Land which they never intended to or in truth cou'd Occupy or Cultivate but thereby only kept out others who would have Planted and manured the Same, and King Charles the Second having therefore by his Instructions given to Sir W<sup>m</sup>. Berkly revok'd all such Grants as contrary to the Intention of the said King James the first and to the good of our Subjects there We do likewise give the same directions unto you, that if any Such Grants Shou'd be still Insisted on the same be look'd on and taken to be void and of None Effect And you are likewise to restrain the unlimited practice of taking more Lands than can reasonably be Cultivated and to regulate all Abuses therein.

79. You shall with the Advice of Our Council there take Care to appoint Men fitly Qualify'd to be Surveyors throughout all the Several Districts of Our said Colony, and that they be sworn to make true and exact Surveys of all Lands requir'd to be set out according to the best of their Skill.

80. You shall likewise take Care that a General Survey be made of all the said Colony and Dominion, and of each County in it, and that an Exact Map or Maps be thereupon drawn, and Transmitted to Us and to our foresaid Commissioners for Trade and Plantations.

81. And You are further to take Care that an Exact Account be forthwith drawn of all Arrears of Quitrents due unto Us expressing from what Persons, for what Quantity of Land, and for what time those Arrears are due, and likewise an Account Specifying what Particular Persons throughout all our said Colony are possess'd above 20,000 Acres of Land a Piece, by what Titles they hold the said Lands, and how much each of them is possess'd of above that Quantity. Both which Accounts you are without Delay to transmit to Us and to Our Commissioners for Trade and Plantations.

82. WHEREAS it was represented to her Late Majesty by the President and Council of our said Colony that the Method of Granting Lands as directed by the Instructions given to Robert Hunter Esq<sup>r</sup> bearing Date at St. James's the 30th of April 1707 is not agreeable to the Laws Constitution and Practice of our said Colony. OUR WILL AND PLEASURE THEREFORE IS That for the future the Method of Granting of Land be in such form and Manner, and under the like Conditions Covenants and Reservations of Quitrent as are by the Charter and Laws of that our Colony allow'd and Directed to be made and as were permitted to be made before the Instructions given to Robert Hunter Esq<sup>r</sup> as aforesaid, PROVIDED due care be taken that in all such Grants hereafter to be made regard be had to the profitable and unprofitable Acres, and particularly that every Patentee be obliged in the best and most Effectual Manner to Cultivate & Improve three Acres part of every fifty Acres so granted within the term of three Years after the Passing of such Grant and in Case of failure thereof such Grant or Grants to be void and of None Effect.

(To be Continued)